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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,422	12/19/2001	Marcus Delgado	BS00-316	3282

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EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,422

Applicant(s)

DELGADO ET AL.

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 39-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 39-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/25/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-20 and 39-52 have been examined and are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 40 is rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim contains the phrase "determining an origin of the request from the name of the contact person" makes the claim indefinite and unclear in that neither means nor interrelationship of means are set forth in the claim in order to achieve the desired results expressed in the phrase.

Claim Rejections - 35 USC § 101

4. Claims 1-4, 6-7, 9, 14-17, and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims 1-4, 6-7, 9, 14-17, and 19, as presently claimed and best understood were considered in light of the new "Examination Guidelines for Computer-Related Inventions" and were found to be non-statutory. Discussion of the analysis of the claims under the guidelines follows

5. With regard to claims 1-4, 6-7, 9, 14-17, and 19, the specification has been reviewed to see if the disclosed invention is in the technological arts and that it has a practical use in the art. The review shows that the invention appears to be a series of steps performed on a computer or point of sale device. However, the claimed invention manipulates receiving and responding to a request, which could be basically be done by a messenger to an individual and a response be send via a messenger to the requester. Claims 1-4, 6-7, 9, 14-17, and 19 fail to recite/define a series of steps performed on a computer

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or point of sale device. Thus, the claims are not directed to an invention within the technological arts and are deemed to be non-statutory. Therefore, the claims are non-statutory because they are directed solely to an abstract idea without practical application in the technological arts.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 and 39 are rejected under 35 U.S.C. 102 (e) being anticipated by U.S. Patent Publication No. 2002/0091767 A1 to Michael J. Munson.

8. As per claims 1 and 39, Munson Clearly teaches a method for managing sponsorships comprising the steps of:

receiving, at a computer network site, a request for sponsorship from a requestor (See Munson figures 2-8 and 49-50 and paragraphs [0003]-[0007] and paragraphs [0024]-0046]);

responding to the request by sending one of an approval and a rejection (See Munson figures 2-8 and 49-50 and paragraphs [0003]-[0007] and paragraphs [0024]-0046] and appendix A pages 12, 14 and 16);

if an approval is sent, further requiring the requestor to accept an agreement;

receiving the requestor's acceptance of the agreement; and

providing the requestor with access to content through the site (See Munson figures 2-8 and 49-50 and paragraphs [0003]-[0007] and paragraphs [0024]-0046] and appendix A pages 12, 14 and 16).

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 9, 11-12, 15-16, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0091767 A1 to Michael J. Munson.

11. As per claims 2-10, 13, and 49-50, Munson clearly teaches all the limitations of claim 1, further, Munso teaches,

The sponsor monitoring of the use of the content that the user has access to and inspecting such use of the content based on the agreements that have been reach between the sponsor and the user (See Munso paragraphs [0024]-[0046] and appendix A page 6 and 20).

What is not clear and explicit in the Munson reference is the multiple requests and archiving of such use of logo, taglines, trademark, or any other copy righted material.

However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to inspect ones material that has certain rights associated with it to be inspected by the actual owner of item in use to be inspected in the new context before it is released to the use of the secondary use under the agreed upon terms and condition for the motivation of higher level of control over the accessed material.

12. As per claims 11, Munson clearly teaches all the limitations of claim 3, wherein the communication is an electronic communication comprising one of a computer network page, a message posted on a computer network page, and an e-mail message (See Munson paragraphs [0003]-[0007]).

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13. As per claims 12, 17, 41, 43 and 51, Munson clearly teaches all the limitations of claim 3, further, Munson is not clear or explicit on the step of determining comprises analyzing the sample use with image recognition software (See Munso paragraphs [0003]-[0007] and [0024]-[0046] and appendix A page 6 and 20). However, it is customary to inspect the material that would be presented at the event that would be carrying any logo, trademark, or copyrighted material of the sponsor to be inspected to fulfill terms and conditions spelled out in the contractual agreements. Such would be an example of Sun Micro system sponsorship of an event surrounding Linux operating system, as it is clear by the guidelines specified by Sun Microsystems corporation in the contract under which the Sun logo, Staroffice logo or any other copyrighted related material in use by the event organizers, has to confirm to the stated standards of use. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to automate the inspection of such use in visual mediums. Such as using image inspection software to inspect used of an item within a visual display for the motivation of efficiency and speed. Additionally, it would be an essential part of evaluation to check with a list of approved requesters or a list of requesters that are not eligible to request sponsorship to make sure of certain qualification of requesters as to what prescribed donation limits are available or fits the requesters.

14. As per claims 14, Munson clearly teaches all the limitations of claim 1, further Munson teaches the request includes one or more of a name of the requestor, an address of the requestor, a telephone number of the requestor, a description of an event for which a sponsorship is sought, a date and duration of the event, an e-mail address of the requestor, a requested donation amount, a name of a contact person who directed the requestor to the site, and a password for accessing secured pages of the site (See Munso figures 1-7, and paragraphs [0003]-[0007] and [0024]-[0046] and appendix A page 6 and 20).

15. As per claims 15 and 45, Munson clearly teaches all the limitations of claim 14, further Munson teaches the step of responding comprises the steps of:

releasing a payment to the requestor for the requested donation amount; and

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activating the password (See Munso figures 1-7, and paragraphs [0003]-[0007] and [0024]-[0046] and appendix A page 6 and 20).

16. As per claims 16, 44, 46 and 47, Munson clearly teaches all the limitations of claim 1, further; Munson teaches the step of responding comprises the steps of:

receiving a payment from the requestor; and

activating the password (See Munso figures 1-7, and paragraphs [0003]-[0007] and [0024]-[0046] and appendix A page 6 and 20).

the password is at least one of a number of a paper check and a code of an electronic payment.

Munson is not clear or explicit on the password being furnished to the user via a check number of payment or code of an electronic payment. However, it would be an obvious modification to forward a user id to the user which has been granted access to the site and the content via postal or any other means such as email or attaching such code to a value bearing item of interest such as bank check or payment instrument such as standard practice of banks forward PIN numbers via mail to a user to be used to access secure web sites.

17. As per claims 18 and 42, Munson clearly teaches all the limitations of claim 1, further; Munson teaches the request is one of an e-mail message and an online form completed on the site (See Munso figures 1-13, and paragraphs [0003]-[0007] and [0024]-[0046] and appendix A page 6 and 20).

18. As per claims 19 and 20, Munson clearly teaches all the limitations of claim 2, further; Munson teaches the step of monitoring comprises tracking, which content is accessed by the requestor (See Munso figures 1-13, and paragraphs [0003]-[0007] and [0024]-[0046] and appendix A page 6 and 20). What is not clear and explicit by Munson is the method of monitoring of the access to the data items available to the logo, trademark, and copy righted material by the users. However, it is a well known practice in the art to track and authorize the people accessing a database of items that can be copied and

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used based on their level of authorization as well as any other possible metering one wants to use. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to control access and use a monitoring protocol over certain or the entire data within a database by specific users or groups based on their user id, passwords, or IP address or any other criteria for the motivation of abiding by usage contracts or any other legal or professional obligation.

19. As per claims 40, and 48, Munson clearly teaches all the limitations of claim 39, , further; Munson teaches determining an origin of the request from the name of the contact person, step of providing the requestor with access comprises requiring the requestor to indicate, through the site, acceptance of terms and conditions for the use of the protected content (See Munso figures 1-7, and paragraphs [0003]-[0007] and [0024]-[0046] and appendix A).

20. As per claims 52, Munson clearly teaches all the limitations of claim 50, further; Munson is not clear or explicit on the step of determining whether the sample use complies comprises manually inspecting the sample use. However, it would be an obvious step to inspect the controlled use of the copy righted materials, logos, trademarks or any other intellectual property in use by a third party within their promotional material of their events that is sponsored by the holder of the rights so it would comply with the rules and terms that has been agreed upon by the parties.

21. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

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Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

<http://portal.uspto.gov/external/portal/pair>

23. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

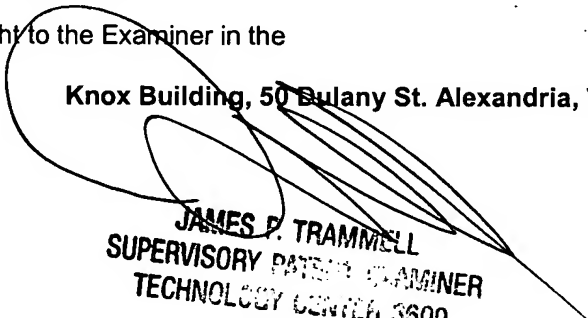
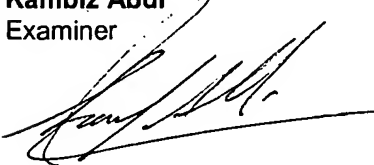
(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Bulany St. Alexandria, VA.

Kambiz Abdi
Examiner



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3500

May 19, 2005